

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEOMEDIA TECHNOLOGIES, INC.,

Plaintiff/Counterclaim Defendant,

– against –

SCANBUY, INC.,

Defendant/Counterclaim Plaintiff.

No. 04 – CV – 03026

Judge John E. Sprizzo

**SCANBUY’S MOTION FOR LEAVE TO FILE AN AMENDED ANSWER
AND THE PARTIES’ STIPULATION ON SAID MOTION**

Defendant Scanbuy, Inc. (“Scanbuy”) respectfully requests that this Court grant Scanbuy leave to file the accompanying “Defendant Scanbuy, Inc.’s Amended Answer to the Complaint.” In an effort to avoid briefing and/or a hearing on this motion, Plaintiff NeoMedia Technologies, Inc. (“NeoMedia”) and Scanbuy have stipulated to Scanbuy’s request.

Scanbuy provided NeoMedia with a copy of the proposed Amended Answer and requested NeoMedia’s consent to allow Scanbuy to file it. NeoMedia has consented *provided* that NeoMedia’s consent be understood as being only for the purpose of allowing Scanbuy to file the Amended Answer. NeoMedia’s consent is not an acknowledgement that there is any basis in fact or law for any allegations or claims made in Scanbuy’s Amended Answer, and NeoMedia explicitly reserves the right to reply or otherwise defend against those allegations and claims.

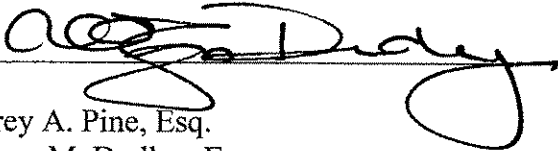
Based on the foregoing, Scanbuy respectfully requests that this Court grant Scanbuy leave to file the accompanying Amended Answer.

Dated: February 13, 2006

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NEOMEDIA TECHNOLOGIES, INC.

SCANBUY, INC.

By: 

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Attorneys for Defendant Scanbuy, Inc.

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NeoMedia Technologies, Inc.

SO ORDERED.

Dated: New York, NY
February __, 2006

John E. Sprizzo
United States District Judge